

## **REMARKS**

### **Telephone Interview Summary**

On January 10, 2007, a telephone interview was conducted with Examiner Harbeck and Supervisory Examiner Richard Chilcot. A proposed response was sent to Examiner Harbeck prior to the interview. In the proposed response, Applicant argued that the combination of references relied on by the Examiner, Jones and DeFrancesco, was inappropriate. Applicant stated in the proposed remarks that it would not be obvious to combine Jones, which discloses a telephone interface for determining loan approval status, with DeFrancesco, which discloses a computer interface for obtaining loan approval status, because Jones was critical of using computers for loan application processing. Examiner Harbeck stated that he believed Applicant's arguments were persuasive because Jones teaches away from requiring borrowers to use computers to get loan information.

Applicant also argued that the teachings of DeFrancesco added nothing to the teachings of Jones because both references teach that the borrower or an agent of the borrower decides which lenders receive application data. Applicant further argued that all of the references cited against the application to date have taught that the consumer or an agent must contact each financial institution of interest in order to find a financial institution that might be willing to grant credit to the consumer. The present invention facilitates the process of matching consumers and financial institutions by using a consumer's application data to find financial institutions that are likely to grant credit or a loan to the consumer.

**Claim Rejections Under 35 USC § 103(a)**

The Examiner has rejected claims 1-25 under 35 USC § 103(a) as being unpatentable over Jones in view of DeFrancesco. Applicant respectfully submits that Jones and DeFrancesco are directed to loan approval methods and systems rather than loan offer methods and systems and therefore, cannot be used to reject the claims of the present application. Furthermore, the combination of Jones and DeFrancesco is inappropriate because Jones teaches away from the combination.

Jones is a “method for automatically determining the **approval** status of a potential borrower.” Jones teaches the use of lender criteria in the approval process but requires the borrower to contact each bank of interest to learn whether he or she meets the bank’s lending criteria. In Col. 5, lines 20-27, Jones explains that potential borrowers learn their approval status by contacting a bank of interest using a lender’s telephone number. Specifically, Jones teaches:

The data processor 5 answers the call at block 14 and collects the DNIS (Dialed Number Identification), which is the number the caller has dialed. The data processor 5 determines which lender script to access depending on the DNIS. The data processor 5 recognizes the number being dialed as being for a particular lender’s criteria and chooses the proper lender script from a script library at block 19.

Applicant respectfully disagrees that Jones presents offers to borrowers but even if it does, the borrower must make multiple telephone calls to access the lender script of each bank of interest in order to learn whether the borrower meets the lender’s lending criteria. Each lender has a different script and requires different input from the borrower. In this regard, Jones is no different than any of the other prior art references

cited previously by the Examiner that are directed to automated application and approval processes. Jones has borrowers use the telephone instead of a computer to apply for a loan but the experience for the borrower is the always same. The borrower must decide which banks to contact. The present invention solves this problem by identifying for the borrower financial institutions that are interested in the borrower's business based on the borrower's needs and financial rating.

The Examiner states that Jones does not explicitly disclose "wherein the user is a computer user and wherein the offers are submitted to a plurality of financial institutions." The Examiner further asserts that it would be obvious to include the teachings of DeFrancesco in the method of Jones so that application data can be submitted to a plurality of lenders. Applicant respectfully disagrees.

First, Jones is highly critical of computer-based systems. Jones acknowledges in col. 1, lines 58-60 that "[c]omputer-based systems have been developed that require the potential borrower or product dealer to input information relating to the potential borrower's ability to acquire a loan," but goes on to criticize them by stating that they are intimidating, frequently not used, require training, and require sharing of sensitive information that people may be reluctant to share. (Col. 1, line 65 – Col. 2, line 10). Jones also states that there "[i]s a need for an improved method, and associated apparatus, for automatically receiving information over the telephone lines in response to pre-recorded questions which can be interpreted by a data processing system and used to determine the approval status of a potential borrower." Applicant respectfully submits that it would not be obvious to combine a reference related to computer-based systems with a reference related to telephone-based systems when the reference

describing a telephone-based system is highly critical of computer-based systems.

Applicant respectfully submits that Jones teaches away from the combination.

The Examiner suggests that an element of the present invention missing from Jones is “offers” submitted to a plurality of financial institutions. However, the offers of the present invention are not submitted to financial institutions (they are presented to computer users) nor does DeFrancesco teach submitting offers to a plurality of financial institutions. DeFrancesco teaches submitting applications to financial institutions. Therefore, Applicant assumes that it is this aspect of the reference that is relevant to the Examiner’s analysis.

In any case, Applicant fails to understand how Jones, which teaches a data processor that has logic for determining what telephone number was called, finding a lender script based on the called telephone number, executing the lender script, and then reporting the results of the lender script execution to the caller, can be combined with DeFrancesco, which teaches forwarding of application data to selected funding sources using a computer. Although DeFrancesco supports entry of application data by telephone, application processing is completed by a computer user. (Col. 9, lines 48-52; Col. 9, lines 62-63). Furthermore, selection of the funding sources is completed by a computer user who is prompted for the selections. (Col. 11, lines 14-16). If Jones requires a user to enter a telephone number to “select” a lender, how are the teachings of DeFrancesco related to a computer interface that allows a user to select a plurality of lenders incorporated into the telephone interface of Jones?

Even if the telephone interface of Jones could be modified to support selection of multiple lenders as taught by DeFrancesco, Jones as modified would not provide the

claimed features of the present invention. The borrower would need to decide which lenders receive the application data. DeFrancesco states that an important feature of the disclosed computer system is that the computer user "... has complete control over the selection of which funding sources to send an application to ..." (Col. 11, lines 37-39). In this regard, DeFrancesco adds nothing to Jones because in Jones the borrower already has the ability to decide which lenders to contact. The borrower can simply place a call to each lender of interest.

Applicant's invention differs from Jones and DeFrancesco because it does not require borrowers to decide which lenders receive their applications. They do not need the names and/or the telephone numbers of financial institutions as required by Jones and DeFrancesco so that they can contact each institution. The present invention uses data for participating financial institutions, selection criteria, and application data to select or locate offerings for a borrower without requiring the borrower to decide which lenders should be involved in the process. As Applicant has emphasized previously with respect to other cited references, the present invention matches consumers and financial institutions before the application approval process. Therefore, Jones and DeFrancesco, which are directed to the application approval process and which require borrowers to decide which financial institutions to contact, cannot support the present rejections.

Applicant respectfully submits that the present application is in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

Date: January 23, 2007

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